

KENTUCKY PAROLE BOARD

Annual Report
2002-2003



**Commonwealth of Kentucky
Parole Board**

**The Honorable Paul E. Patton
Governor**

**Ishmon F. Burks
Secretary, Justice Cabinet**

**Keith Hardison
Executive Director**

**John Coy
Chair**

Members

Patricia Combs

**Laurrece Carter-Hatchett
(resigned effective June 26, 2003)**

Robert W. Milburn Jr.

Lutitia Papailler

James D. Provence

Verman Winburn

Theodore Kuster (part-time)

**Sandra E. Downs (part-time)
(resigned effective October 1, 2002)**

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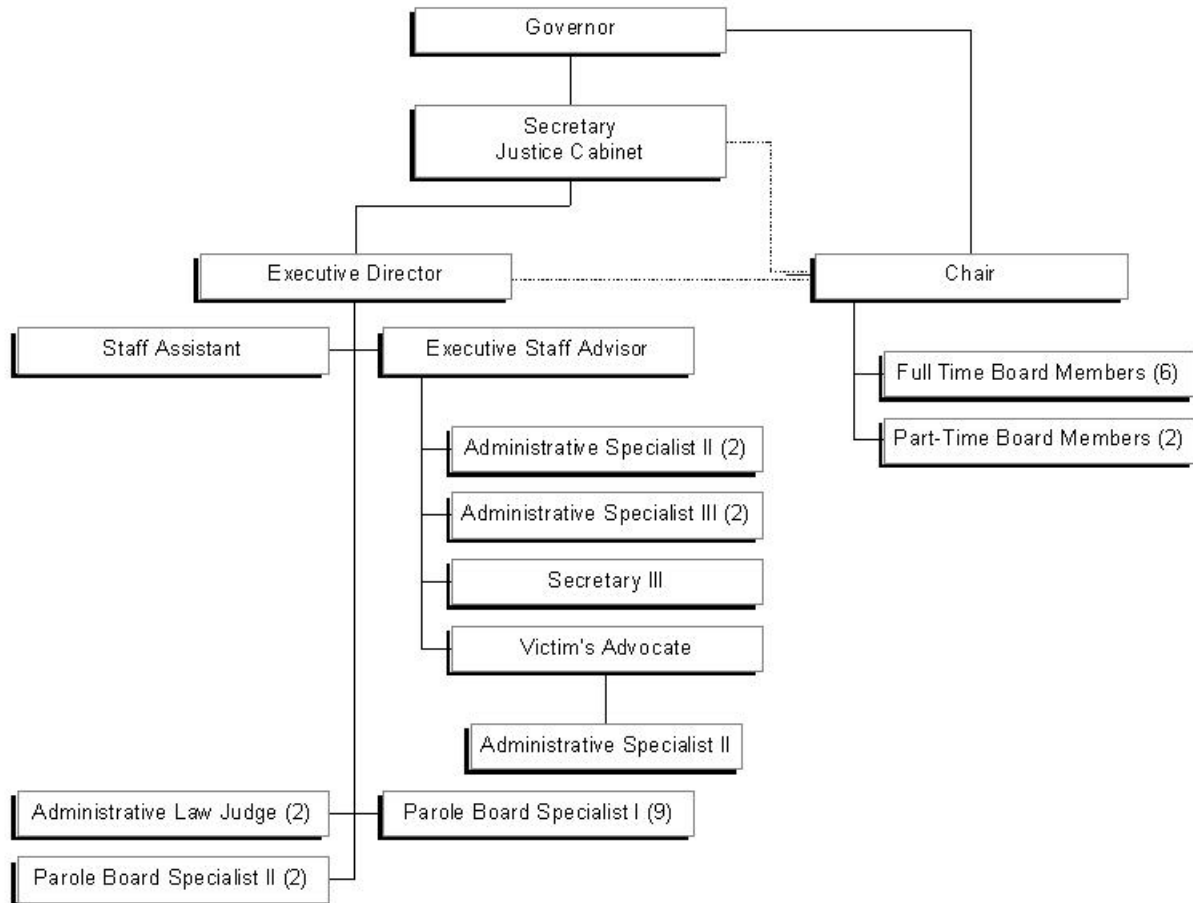
KENTUCKY PAROLE BOARD

Who Are We?

- The Kentucky Parole Board is an independent, autonomous agency attached to the Justice Cabinet for administrative and support purposes only.
- KRS 439.320 states that the Governor shall appoint a Parole Board consisting of seven (7) full-time members and two (2) part-time members who must also be confirmed by the Senate. The Governor shall make each appointment for full-time and part-time members from a list of three (3) names submitted to him by the Commission on Corrections and Community Service. The Governor shall also name one full-time member as Chair of the Board.
- Additional staff include an Executive Director, Staff Assistant, Executive Staff Advisor, two (2) Administrative Law Judges, a Director of Victim Services, five (5) support staff and eleven (11) Parole Board Specialists.

ORGANIZATIONAL CHART

(As of June 30, 2003)



Biographical Sketches of Parole Board Members

John M. Coy was appointed to the Board in July 1999. Mr. Coy holds a Bachelor's Degree in English/History from Eastern Kentucky University and a Law Degree from the University of Kentucky. Mr. Coy has worked as a private attorney for several years, City Attorney for Richmond, Special Prosecutor for Estill County and District Judge for the 25th Judicial District. Mr. Coy's accomplishments include being retired from the National Guard with the rank of Major after 23 years, establishing a full-time Law Department for the city of Richmond and establishing GUSIE (Growing Up Safe in Estill), the Estill County multidisciplinary child abuse team.

Patricia Combs was originally appointed to the Board in December 2001. She is a graduate of Eastern Kentucky University receiving both a BS in Corrections and a BS in Psychology. Her career began as a correctional officer, continued from there as a parole officer, and then as District Supervisor of the Louisville Probation and Parole Southeast Office.

Laurrece Carter-Hatchett lived in Paducah when she was appointed to the Board on August 1, 2000, She is now a resident of Frankfort. She is a graduate of Tennessee State University and holds a Master of Criminal Justice Degree from St. Ambrose University. She has held numerous positions in the fields of social work and equal employment opportunity in Kentucky, Ohio, and Tennessee and with the federal government

Robert Milburn was appointed to the Board in May of 2001. Mr. Milburn is a native of the Owensboro area. Mr. Milburn received his B.A from Kentucky Wesleyan College. He spent a total of fourteen years in Juvenile Justice and Social Services doing abuse investigations, domestic violence investigations and was Treatment Director of two juvenile treatment facilities. Mr. Milburn transferred to the Department of Corrections working with adults in 1999 and spent two years at the Green River Correctional Complex as a Caseworker and Institutional Chaplain.

Lutitia Papailler was originally named to the Board by Governor Jones in July 1994. Ms. Papailler is a career employee of Kentucky State government and civil

rights professional who joined the Kentucky Commission on Human Rights in 1981. During her tenure at the Commission, she served in a number of positions including Interim Executive Director. In 1992, the Governor appointed her to the Task Force on Persons with Disabilities.

James Provence was appointed to the Board in July 1999. Mr. Provence came to the Board after retiring from a successful career with the U.S. Courts as a supervising U.S. Probation Officer and a Chief U.S. Probation Officer in Lexington, Kentucky. Prior to that, Mr. Provence had served as District Parole Officer for the State of Texas, Juvenile Probation Officer, Dormitory Supervisor and Cottage Parent. Mr. Provence has a bachelor's degree in psychology and a master's degree in corrections and criminology.

Verman R. Winburn was appointed to the Board in March 1997. Mr. Winburn is a career criminal justice employee who began his career in 1984 as a Probation and Parole Officer, serving as Probation and Parole District Supervisor for several years. He has also worked as a Correctional Officer. Mr. Winburn holds a bachelor's degree from Eastern Kentucky University and is a member of the Kentucky Council on Crime and Delinquency, Kentucky State Parole Officers Association and Creations Prison Music Ministries, Inc. He is also very active in the Kentucky Employees Charitable Campaign.

Theodore R. Kuster was originally appointed to the Board as a full-time member in March 1993 and was subsequently appointed as a part-time member in August 1998. Mr. Kuster holds a Bachelor's Degree from the University of Kentucky and served as Kentucky State Representative of the 72nd legislative district from 1974 to 1976. Mr. Kuster is very active in civic affairs including serving on the Board of Director of Bourbon Heights Senior Citizens Home, Bourbon County Boy's Educational Fund, the Kentucky Bank, and as Trustee of the Lexington Theological Seminary and the Bourbon County Conservation District.

Sandra Downs was appointed a part-time member of the Board in May of 2001. She is a graduate of the University of Kentucky and the University of Kentucky Law School. In the past she was employed with Fayette County Legal Aid and by the Cabinet of Human Resources where she was on the federal litigation team. For nine years, until May 2001, she was in solo practice in Scott County.

Staff

Administration

Keith Hardison, Executive Director

Betty Hawkins, Staff Assistant

Revocations

Nancy Barber, Administrative Law Judge

Mike O'Connor, Administrative Law Judge

Board Support

Brenda Hatchell, Executive Staff Advisor

Angie Mitchell, Administrative Specialist III

Marian Young, Administrative Specialist III

Liz Newton, Administrative Specialist II

Jennifer Perkins, Administrative Specialist II

Victim Services

Mesha Rogers, Victim's Advocate

Carrie Mattingly, Administrative Specialist II

Parole Board Specialists II

Melissa Clark

Georgia B. Dunn

Parole Board Specialists I

Larry Downs

Amanda Jones

Northpoint Training Center

Ambie Ingram

Central Office

Elaine Mahaffey

Kentucky Correctional Institute for Women

Elizabeth Mills

Western Kentucky Correctional Complex

Michelle Nickell

Sonja Vest

Eastern Kentucky Correctional Complex

Joe Salisbury

Kentucky State Reformatory

Arthur Wooden

Roederer Correctional Complex

What Is Our Mission?

As a part of the Criminal Justice system and a partner with communities, to contribute to the attainment of a just and peaceful society by rendering reasoned and rational conditional release decisions, based on good and sufficient information, in order to promote the appropriate, timely and successful reintegration of offenders into society.

What Is Our Responsibility?

The Parole Board is the primary releasing authority for all convicted felons and youthful offenders in the Commonwealth of Kentucky. The Board has four major responsibilities:

- ◆ Determining when to authorize the release of an offender prior to the expiration of the court-imposed sentence.
- ◆ Setting conditions to govern the parolee's behavior and rehabilitative efforts.
- ◆ Revoking parole if the parolee violates conditions of parole supervision.
- ◆ Issuing the final discharge once the parolee has successfully completed his or her sentence.

The Kentucky Parole Board's Code of Ethics covers such matters as competence, integrity, professional conduct, professional development, confidentiality and conflicts of interest. Board members are also subject to the provisions of Chapter 11A of the Kentucky Revised Statutes. The Board firmly believes that adherence to both of these codes will protect and preserve the integrity of the parole process.

When Do We Review A Case?

An inmate receives a parole hearing when he/she has served the required amount of time as established by statute or regulation. There is no application for parole and there is no “early” parole. Most inmates are eligible for an initial hearing after serving 20% of his or her sentence.

Inmates who had committed statutorily defined violent crimes on or after July 15, 1986, but prior to July 15, 1998, were not eligible for a parole hearing until he/she had served 50% of their sentence or 12 years, whichever was less. Inmates with life sentences had to serve 12 years to become eligible for parole consideration.

However, as a result of HB 455, inmates who have committed a statutorily defined violent crime after July 15, 1998, must serve at least 85% of their sentence, or twenty (20) years on a life sentence, before becoming eligible for parole.

How Do We Reach a Decision?

Panels of three (3) members conduct a face-to-face hearing with the inmate. Statutes require the three- (3) member panel to reach a unanimous decision; otherwise the case must be brought before the full Board for consideration and voting.

Parole decisions for inmates who do not appear before the Board (such as Class D felons housed in jails) must be reviewed and voted on by not less than four (4) members of the Board.

All parole hearings or interviews conducted concerning inmates incarcerated in state owned institutions are done by video-conference. One member of the Board must still travel to the institution to review the inmate’s institutional file. All members of the Board panel must travel to the privately owned prisons.

The Board deliberates and makes its decisions based on information furnished to it by the Department of Corrections, inmates and inmates families, victims and victim’s families and other interested citizens and individuals. It has no independent information gathering or investigative capabilities.

WHAT FACTORS ARE CONSIDERED WHEN GRANTING OR DENYING PAROLE?

-
- Current offense – seriousness, violence, firearm

- Prior record – juvenile, misdemeanor, felony
- Institutional conduct / program involvement
- Attitude toward authority – before and during incarceration
- History of alcohol and drug involvement
- Education and job skills
- Employment history
- Emotional stability
- Mental capacities
- Terminal illness
- History of deviant behavior
- Official and community attitudes
- Input from victims and others
- Review of parole plan – housing, employment, community resources
- Other factors relating to the inmate's need and public safety

What Are Our Options?

The Parole Board has three (3) options in deciding each case. They are:

- ◆ **Deferment** – By imposing a deferment, the Board denies parole and establishes another eligibility date for the individual to meet with the Board some time in the future. Deferments are given when the Board does not believe the offender is a good risk for parole at the time of the hearing, but thinks the inmate should not have to serve the entire sentence without further review. Cases are also deferred for short periods of time when additional information is needed to reach a decision.
- ◆ **Serve-Out** – By ordering a serve-out, the Board is requiring the offender to serve the remainder of the sentence incarcerated, with no additional review, and no additional opportunity for parole.
- ◆ **Parole** – By recommending parole, the Board is allowing the offender to be released from the institution to continue serving his/her sentence in the community. Before being released, the offender must have home and job placements verified and approved. Following release, the parolee is placed under the supervision of the Department of Corrections and is required to abide by specific conditions set by the Board and his or her parole officer.

Can the Parole Board's Decision Be Reconsidered?

By administrative regulation, an inmate whose parole is revoked, rescinded or denied by deferment or serve-out may request an appellate review by the Board. The Board must receive a reconsideration request within twenty-one (21) days from the date final disposition is made available to the inmate. If it is not received within 21 days, it shall be denied.

A review shall only be conducted for one of the three (3) following reasons:

- 1) If there is significant new information that was not available at the time of the hearing.
- 2) If there is an allegation of misconduct by a Board Member that is substantiated by the record.
- 3) If there is a significant procedural error by a Board Member.

What Is the Parole Violation / Revocation Process?

The Parole Board determines whether or not a parolee has violated his or her conditions of release. Parole may be revoked for technical violations, such as failure to report as scheduled to the parole officer, absconding, curfew violations, using alcohol or drugs and failure to attend required counseling. Parole may also be violated for being convicted of a new misdemeanor and shall be violated for conviction of a new felony offense.

When a parole officer believes a parolee has committed a violation, the officer detains the parolee, serves him/her with a notice of charges and sets a date for a preliminary revocation hearing. The parolee may choose to waive the preliminary hearing. In so doing, he or she admits guilt to the stated charges.

Two Administrative Law Judges conduct preliminary revocation hearings at locations throughout the state. The function of these hearings is to establish whether probable cause exists to believe that the charged violations have been committed.

If probable cause is found, the case is forwarded to the Board for its consideration. If the Board decides to issue a warrant for the parolee's return to prison for a final revocation hearing, he or she is transported to an institution. At the final revocation (or "PV") hearing, if the Board determines that the parolee has violated the conditions of parole, it revokes his/her parole. The Board then has the option of reinstating the parolee with additional conditions, deferring the case for a set period of time or requiring the individual to serve the remainder of the sentence incarcerated.

How Are Victims involved In the Parole Process?

In 1986, the General Assembly enacted legislation designed to recognize the importance of involving crime victims and/or their families in the criminal justice system. KRS 439.340 (5) through (10) details the rights and responsibilities of victims and the role of the Parole Board in notifying victims of scheduled parole hearings. The statute also covers procedures to be followed by the Board in getting victim input through written statements and verbal testimony.

Weekly victim impact hearings, conducted in the central office in Frankfort, provide an educational opportunity for both victims and Parole Board members. Victim input is an important element in the Board's decision-making process. Information gathered at victims hearings helps to personalize each crime and helps the Board better understand the effects of the crime on the victims and/or their families.

In the process of providing input, victims gain insight into how the inmate has come to the point of parole eligibility and learn about the criteria the Board uses to review the offender's case. The hearing process also affords the opportunity for victims to be informed about any progress the inmate has made during incarceration. Finally, the hearing presents the opportunity for the victim and the Board to share information that may have been omitted in earlier testimony.

Information gleaned from victims at hearings and in their victim impact statements is confidential. Victim impact hearings may be open or closed to the public, depending on the wishes of the victim. When a hearing is closed, only the Parole Board has access to the victim's testimony.

What are Parole Guidelines?

During the period of this report the Board has adopted and implemented objective based parole guidelines. The Board utilizes these guidelines in their decision making process. These guidelines contain an offense severity index along with a risk assessment score that provide the Board with information as to the inmate's likelihood of success under parole supervision. However, parole remains discretionary. These guidelines enhance the Board's credibility and accountability and make the parole decision-making process more consistent.

The Board now has eleven staff members to implement the guidelines. These staff are primarily housed in correctional facilities where they have access to the inmate population. The Board has a presence in the institutions. This greatly enhances the information available to the Board.

KENTUCKY PAROLE BOARD

FACTS AND FIGURES

2002-2003

FY 2002-2003 STATISTICS

Inmates Interviewed/Reviewed: 12,680

(Includes initial, deferred, back to board, medical, reconsideration and early parole)

5,894 cases were initial hearings/reviews:

1,668 (28 percent) were recommended for parole
2,281 (39 percent) were deferred
1,945 (33 percent) were ordered to serve out sentences

5,094 deferred cases were interviewed/reviewed:

3,347 (66 percent) were recommended for parole
1,008 (20 percent) received additional deferments
739 (14 percent) were ordered to serve out sentences

1,692 revocation cases were interviewed/reviewed:

140 (8 percent) were recommended for parole
930 (55 percent) received additional deferments
622 (37 percent) were ordered to serve out sentences

Combined Figures for Initial and Deferred Interview/Reviews

10,988 total initial and deferred cases:

5,015 (46 percent) were recommended for parole
3,289 (30 percent) were deferred
2,684 (26 percent) were ordered to serve out sentences

Combined Figures for Initial, Deferred and Revocation Interview/Reviews

12,680 total initial, deferred and parole revocation cases:

5,155 (41 percent) recommended for parole
4,219 (33 percent) received additional deferments
3,306 (26 percent) were ordered to serve out sentences

Other Hearings Conducted:

10	Youthful Offender Hearings
310	Other (Medical, Reconsideration, Courtesy and Back to Boards)
235	Hearings Attended by Public
224	Victim Hearings
396	Preliminary Parole Revocation Hearings (ALJs)
2,203	Waivers of Preliminary Parole Revocation Hearings
2,079	Warrants Issued

Comparative Data

	<u>1995-96</u>	<u>1996-97</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>
Parole	33%	30%	26%	31%	25%	29%	31%	41%
Deferred	33%	37%	41%	35%	36%	37%	40%	33%
Serve Out	34%	33%	33%	34%	39%	34%	29%	26%